

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

WOBIAO LEI, *et al.*,

Defendants.

CASE NO. CR20-0171-JCC

ORDER

This matter comes before the Court on the parties' partially stipulated motion to continue trial to June 27, 2022. (Dkt. No. 194).¹ Collectively, Defendants are charged by Second Superseding Indictment with multiple counts of conspiracy to distribute controlled substances and with related crimes. (*See* Dkt. No. 129.) Trial is scheduled for November 8, 2021. (*See, e.g.*, Dkt. Nos. 184, 189.) This is a complex case involving ten charged defendants, eight of whom have been arrested and arraigned. (*See* Dkt. No. 129.) Production to date is voluminous. It

¹ All but two of the arrested and arraigned defendants in this matter join in the motion. (*See* Dkt. No. 194 at 8). Yi Jun Chen has pleaded guilty, (*see* Dkt. Nos. 148, 152, 193), so does not join. Nor does Defendant Chee Choong Ng, who opposes and moves to sever, arguing that continuing trial would prejudice him. (*See* Dkt. No. 195 at 4–5.) But the prejudice Mr. Ng identifies is financial harm stemming from an extension of the conditions of his pre-trial release. (*Id.*) This is not the kind of prejudice which the Court views to be legally significant. *See U.S. v. Vasquez-Velasco*, 15 F.3d 833, 846 (9th Cir. 1994) (defendant seeking severance has burden of demonstrating that, without severance, the right to a fair trial would be denied). Accordingly, Defendant Ng's motion to sever is DENIED.

1 includes more than 300,000 pages of reports, photographs, seized documents, financial records,
2 and other materials. (Dkt. No. 194 at 3.) As a result, the Court previously appointed a discovery
3 coordinator in this case. (*See* Dkt. No. 92.) In addition, many of the defendants have changed
4 counsel at least once over the course of this case. (*See, e.g.*, Dkt. Nos. 75, 77, 94.) Moreover,
5 trial preparation has been hampered by the COVID-19 pandemic, as well as the need for
6 translators to assist defense counsel in consulting with their clients. (*See* Dkt. No. 194 at 4–5.) As
7 a result, the parties indicate that additional time is needed to review production, investigate the
8 matter, and prepare for trial. (*Id.* at 5.)

9 Having thoroughly considered the motion and the relevant record, the Court FINDS that
10 the ends of justice served by granting a continuance outweigh the best interests of Defendants
11 and the public to a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A).

12 Taking into account the exercise of due diligence, the failure to grant a continuance
13 would deny counsel for Defendants reasonable time necessary for effective preparation, *see* 18
14 U.S.C. § 3161(h)(7)(B)(iv), and would therefore result in a miscarriage of justice, *see* 18 U.S.C.
15 § 3161(h)(7)(B)(i). This is particularly true here, given the complexity of the investigation and of
16 the charges. *See* 18 U.S.C. § 3161(h)(7)(B)(ii). Moreover, the Court notes that a reasonable trial
17 continuance as to any defendant tolls the Speedy Trial Act period as to all joined co-defendants,
18 even those who object to a trial continuance or who refuse to submit a waiver under the Speedy
19 Trial Act. *See* 18 U.S.C. § 3161(h)(6); *United States v. Messer*, 197 F.3d 330, 337 (9th Cir.
20 1999).

21 Accordingly, the Court GRANTS the parties' motion (Dkt. No. 194) and ORDERS:

- 22 1. The November 8, 2021 jury trial is CONTINUED until June 27, 2022.
- 23 2. The pretrial motions deadline is CONTINUED until May 27, 2022.
- 24 3. The period from the date of this order June 27, 2022 is excludable under 18 U.S.C.
25 § 3161(h)(7)(A).

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1 DATED this 24th day of September 2021.

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5 John C. Coughenour
6 UNITED STATES DISTRICT JUDGE
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